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U.S. Supreme Court  
April 11, 1961

JAMES R. BROWNING, Clerk

*In The*  
**Supreme Court of the United States**

October Term, 1960

**No. 315 and 454**

Power Reactor Development Company, *Petitioner,*

International Union of Electrical, Radio and Machine  
Workers, AFL-CIO, et al., *Respondents,*

United States of America and Atomic Energy Commission,  
*Petitioners,*

*v.*  
International Union of Electrical, Radio and Machine  
Workers, AFL-CIO, et al., *Respondents.*

On Writs of Certiorari to the United States Court of Appeals  
For the District of Columbia Circuit

**MOTION OF ADOLPH J. ACKERMAN, FOR LEAVE  
TO FILE BRIEF AS AMICUS CURIAE**

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1. Adolph J. Ackerman, an American citizen, and a consulting engineer resident in Madison, Wisconsin, respectfully moves this Court for leave to file a brief in this case as *amicus curiae*, the parties to the case having refused to give their consent to the filing of such a brief.

2. The applicant's interest in the present case is based on the fact that the traditional responsibilities of the engineering profession are being invaded and displaced. He considers it his professional responsibility and duty to bring these matters to the attention of this Court.

3. The applicant is an independent consulting engineer engaged in the practice of professional engineering in the field of electric power and water resources development. This includes the economic appraisal of proposed programs of development and the general planning and site selection for new power plants. He began his formal professional practice in 1937 under a license granted by the State of Tennessee, and he has been licensed to practice in various other states. Part of his time is devoted to the educational field in professional engineering as a Visiting Professor and as a member of a Visiting Committee at two leading universities. He has served on various committees of National Engineering Societies which have been concerned with the practical application of atomic energy.

4. The issues before the Court in this proceeding are of grave importance in the application of the new science of atomic energy for the generation of electricity, and involve heavy responsibilities concerning the health and safety of the general public. Beyond the questions which have been defined in terms of embryonic law and emerging regulatory principles, is the fundamental question whether a potential hazard of unprecedented magnitude shall be introduced in an area where a large population would be exposed to it. The Court's decision in this case is bound to have direct and far-reaching influence on the progress

and application of atomic power and on the related questions of public health and safety.

5. The selection of a site for an atomic power plant is not governed by rules of law, but calls for the application of expert judgment by professional engineers. It is a problem involving great responsibility and technical complexity on which the available knowledge is relatively limited.

6. Although the criteria for the selection of a site for a conventional type of power plant correspond to well established principles based on the operating experiences of many similar power plants in all parts of the country, the introduction of atomic energy for the generation of electricity has brought with it new criteria for site selection. The applicant will show that some of the criteria employed in the selection of the site for the atomic power plant in the instant case violate the established principles of responsibility which the engineering profession is expected to observe. The basic issue, therefore, although it here concerns specific parties, is of deep concern—now and for all future time—to professional engineers.

7. The violation of the established principles of responsibility of the engineering profession has resulted in creating a potential hazard which has been evaluated in a study released by the Atomic Energy Commission. This study revealed that property damage from the failure of an atomic power plant could amount to more than \$2,000,000,000, that fatalities could number in the thousands, and injuries in the tens of thousands. The insurance industry sought to serve this new area of risk-taking but found it beyond its capabilities. It must be viewed with regret that

this problem has been resolved by placing on the Federal Government, and, thus, on the nation's taxpayers, the liability for any damage (in excess of a relatively small amount covered by the insurance companies) which might result from an atomic power plant disaster.

8. It is the belief of the applicant that an exposition on the responsibilities of the professional engineer in relationship to the tremendous perils involved in the application of the new atomic science will help to clarify the fundamental questions before the Court.

9. The applicant has reviewed the briefs filed by the parties to the case and has not found therein any discussion on these points, and applicant has no reason to believe that the argument of these points will be expanded and made complete in this Court. Because the present case represents the first in which the regulatory activities of the Atomic Energy Commission have been challenged before this Court, the applicant believes that, unless the facts as set forth in his brief are brought to the attention of the Court for its consideration, the Court may unintentionally approve of procedures which invade and interfere with the responsibilities of the professional engineer, to the detriment of the health and welfare of the public.

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